

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1906.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF STRAWBERRY FLAVOR, PEAR FLAVOR, AND PINEAPPLE FLAVOR.

On July 6, 1912, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in six counts against the F. T. Kuehne Flavoring Extract Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 14, 1911, from the State of Missouri into the State of Iowa—

(1) Of a quantity of strawberry flavor which was adulterated and misbranded. The product was labeled: "Pure Flavoring Strawberry." (Cut of dish containing ripe fruit.) "For Flavoring Ice Creams, Jellies, Custards, Sauces, &c. Compound Oil—Artificial color—Serial #7238—F. T. Kuehne Flavoring Extract Co., St. Louis, Mo." Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Esters as amyl acetate per 100 cc, 30.55 G; esters as ethyl acetate per 100 cc, 20.68 G; color, coal tar, reacts like amaranth; alcoholic solution. Adulteration of the product was alleged in the information for the reason that a substance, to wit, an imitation flavor of strawberry, had been mixed and packed with it in such a manner as to reduce, lower, and injuriously affect its quality and strength, and further, in that a substance, to wit, an imitation flavor of strawberry, had been substituted wholly or in large part for the genuine article, namely, flavor of strawberry, and further, in that the product was colored with an artificial coloring, to wit, coal-tar dye, in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the statement contained on the label, namely, "Pure Flavoring Strawberry," was false and misleading because

it misled and deceived the purchaser into the belief that the product was strawberry flavor, made from strawberry fruit, whereas, in truth and in fact, it was an imitation strawberry flavor, and the statements "Compound oil" and "Artificial color," which were also borne upon the label, were insufficient to correct the deception created by the statement "Pure Flavoring Strawberry," and that the product was further misbranded in that it was labeled and branded so as to deceive and mislead the purchaser, in that the words "Pure Flavoring Strawberry" purported and created the belief that the product was strawberry flavor, made from the strawberry fruit, whereas, in truth and in fact, it was an imitation strawberry flavor, and the statements "Compound oil" and "Artificial color," which were also borne upon the label, were not sufficient to correct the deception created by the statement "Pure Flavoring Strawberry."

(2) Of a quantity of pear flavor, which was adulterated and misbranded. The product was labeled: "Compound Oil—Artificial color—Serial #7238—Pear—F. T. Kuehne Flavoring Extract Co., St. Louis, Mo." Analysis of a sample of this product by the Bureau of Chemistry of this Department showed the following results: Esters as amyl acetate per 100 cc, 15.60 G; esters as ethyl acetate per 100 cc, 10.56 G; color, coal tar, reactions like fast yellow (B) as given by Allen; contains unsaponifiable oil (terpenes?) having odor of orange oil; alcoholic solution. Adulteration of this product was alleged for the reason that a substance, to wit, an imitation pear flavor, had been mixed and packed with the product in such a manner as to reduce, lower, and injuriously affect its quality and strength, and further, in that a substance, to wit, an imitation pear flavor, had been substituted wholly or in large part for genuine pear flavor, and further, in that the product was artificially colored with a coal-tar dye in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the statement "Pear," borne upon the label, was false and misleading because it misled and deceived the purchaser into the belief that the product was a pear flavor, made from pear fruit, whereas, in truth and in fact, it was an imitation pear flavor, and the statements "Compound oil" and "Artificial color," which appeared upon the label, were insufficient to correct the deception created by the word "Pear" and to correctly inform the purchaser thereof of the true nature and character of the product.

(3) Of a quantity of pineapple flavor which was adulterated and misbranded. This product was labeled: "Pure Flavoring of Pineapple. Compound Oil—Artificial Color—Serial #7238—F. T. Kuehne Flavoring Extract Co., 323 North Main Street, St. Louis, Mo." Analysis of a sample of this product by the Bureau of Chem-

istry of this Department showed the following results: Esters as amyl acetate per 100 cc, 26.65 G; esters as ethyl acetate per 100 cc, 18.04 G; color, coal tar, orange color, not Orange I. Reactions like Orange G, as given by Allen. Alcoholic solution. Adulteration of this product was alleged in the information for the reason that a substance, to wit, an imitation flavor of pineapple, had been mixed and packed with it in such manner as to reduce, lower, and injuriously affect its quality and strength, and further in that a substance, to wit, an imitation flavor of pineapple, had been substituted wholly or in large part for the genuine article, namely, flavor of pineapple, and further, in that the product was colored with an artificial coloring, to wit, coal-tar dye, in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the statement "Pure Flavoring of Pineapple," borne upon the label, was false and misleading because it misled and deceived the purchaser into the belief that the product was a pineapple flavor, made from the pineapple fruit, whereas, in truth and in fact, it was an imitation pineapple flavor, and the statements "Compound oil" and "Artificial color," which also appeared upon the label, were insufficient to correct the deception created by the words "Pure Flavoring of Pineapple" and correctly to inform the purchaser thereof of the true nature and character of said product.

On July 29, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$5 on each count thereof, making a total of \$30.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *November 7, 1912.*

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